IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 879 OF 2006

Indapatidevi Alias Indra A.Pandey.... Petitioner

versus

State of Maharashtra & ors. ... Respondents.

Shri M.P.Vashi i/b. m/s. M.P.Vashi & Assocn. for the petitioner.
Shri Dilip Bodake for Respondents 4 and 5.
Shri R.D.Rane GP for Respondents 1 and 6.
Shri R.S.Apte for Respondent no.2.

CORAM; V.G. PALSHIKAR Acg.C.J.&
V.M. KANADE, J.

DATED; 25TH JULY, 2006.

P.C:

1. By this petition, the petitioner has challenged the inaction on the part of the respondents in payment of salary to the petitioner inspite of the order dated 20th June 2003, confirmed by this court in a writ petition. Notice to show cause why the petition should not be admitted was issued and the respondent no.5 has filed a reply contending that the writ petition is not maintainable and is misconceived for reasons mentioned in the reply. It is contended that and it is not controverted that for implementation of the order dated 20th June 2003 passed by the Presiding Officer, Additional School Tribunal, Navi Mumbai the petitioner

has filed the Contempt Petition No. 123 of 2005 and the same is pending before this Honourable Court.

2. It is then contended that for implementation of the order passed by the School Tribunal, the petitioner has effective alternate remedy to file the Execution proceedings before appropriate court under sections 11 and 13 of the M.E.P.S. Act. In view of the pendency of the Contempt Petition for non-implementation of the order dated 20th June 2003 and availability of effective alternate remedy, we see no reason to interfere. The petition is therefore dismissed.

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